

**AFFIDAVIT**

I, Daniel J. McNichol, state:

***INTRODUCTION AND AGENT BACKGROUND***

1. I am a Special Agent with Internal Revenue Service Criminal Investigation, United States Department of Treasury (“IRS-CI”), assigned to the Boston Field Office. As a Special Agent, I investigate criminal violations of the Internal Revenue Code and related criminal statutes, including bank fraud, in violation of 18 U.S.C. § 1344, and money laundering, in violation of 18 U.S.C. §§ 1956 and 1957.

2. I submit this affidavit in support of an application for a criminal complaint charging JOHN DOE with bank fraud, in violation of 18 U.S.C. § 1344, and for a warrant for JOHN DOE’s arrest.

3. The facts in this affidavit come from my personal knowledge, information provided to me by other law enforcement agents, information I obtained through witness interviews, and my review of records described herein. This affidavit is not intended to set forth all of the information that I have learned during this investigation and includes only the information necessary to establish probable cause for the requested complaint and arrest warrant.

***PROBABLE CAUSE TO BELIEVE THAT A FEDERAL CRIME WAS COMMITTED***

**Background**

4. The Bank is a community bank located in metro Boston, the deposits of which are insured by the Federal Deposit Insurance Corporation (“FDIC”).

5. The Company is a business entity with operations in New York, Pennsylvania, and New Jersey. The Company provides support and clinical services to persons with developmental disabilities and behavioral health challenges.

6. The Executive, whom I have interviewed, is the Company's chief executive officer. The Executive told me that he was not in Massachusetts in April 2024.

7. I also interviewed the Company's chief financial officer, who told me, in substance, that the Company applied to the IRS for an Employee Retention Tax Credit, but that the Company never received any check from the United States Treasury for the tax credit.<sup>1</sup>

#### The Bank Fraud

8. On or about April 24, 2024, JOHN DOE, a person purporting to be the Executive, entered the Bank and opened a personal account in the name of the Executive and a business account in the name of the Company.

9. During the account application process, JOHN DOE presented a purported New York driver's license that bears the Executive's name. Below is an image of the purported license with the Executive's name, address, and driver's license number redacted.

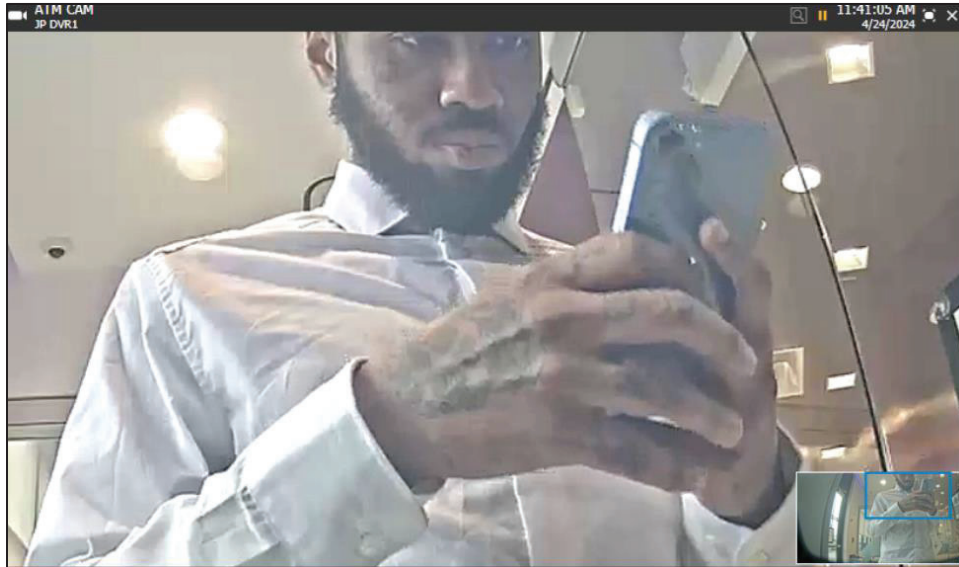


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<sup>1</sup> The Employee Retention Credit was a refundable tax credit for eligible businesses that were negatively affected by the COVID-19 pandemic.

Using law enforcement databases, I confirmed that the driver's license number on the above-pictured license is the correct license number for the Executive's genuine New York license.

10. During the application process on or about April 24, 2024, the Bank's security system captured video of JOHN DOE. Below are two still images from the Bank's security video that display JOHN DOE's face.



11. As part of the application process, on or about April 24, 2024, JOHN DOE provided information to the Bank including a Social Security number for the Executive. Using law enforcement databases, I confirmed the Social Security number that JOHN DOE provided belongs to the Executive.

12. Also as part of the application process, on or about April 24, 2024, JOHN DOE provided the Bank a purported corporate address for Company in Boston in “Unit 603” and a purported lease for that unit. I confirmed no “Unit 603” exists at the address JOHN DOE provided.

13. The Bank asked JOHN DOE to return to the Bank on or about April 25, 2024, with another corporate officer who could verify the correctness of JOHN DOE’s information and sign additional forms required by the bank.

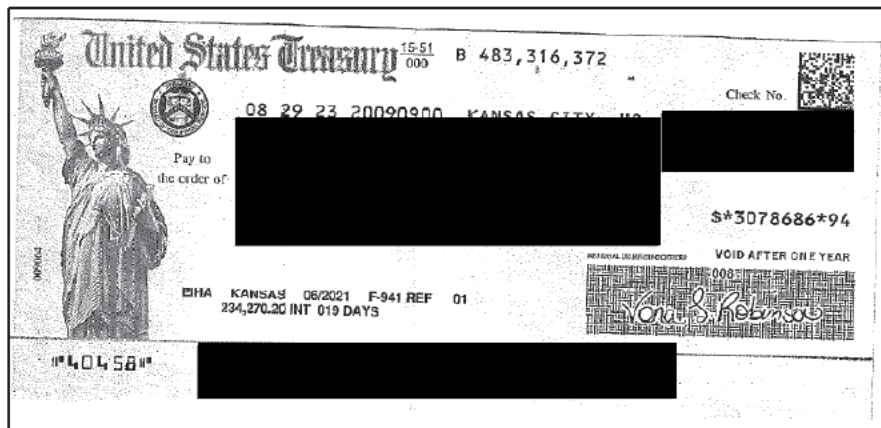
14. On or about April 25, 2024, JOHN DOE returned to the Bank with an accomplice. The Bank’s security system captured video of JOHN DOE and the accomplice in the Bank. I have reviewed the video and still images taken from it. The accomplice is an African-American female with close-cut hair. Below is a still image from the Bank’s security system.



15. According to bank personnel, who have been interviewed by IRS-CI Special Agents, the accomplice represented herself to be the secretary of the Company.

16. The accomplice used the purported name of the Company's clerk and vice president that appears on public corporate filings available from the Secretary of State for the Commonwealth of Massachusetts, which were filed on March 27, 2024. Those filings with the Commonwealth appear to be fraudulent. The chief financial officer of the Company, whom I have interviewed, told me that the Company did not register as a Massachusetts corporation in March 2024. He also told me that he does not know anyone with the name used by the accomplice when she pretended to be the Company's secretary.

17. After completing additional paperwork with the accomplice on or about April 25, 2024, JOHN DOE deposited the check pictured below into the Company account at the Bank.





The check is paid to the order of the Company and the Executive. I have confirmed that the check is genuine and that based on the deposit, the United States Treasury transferred \$3,078,686.94 to the Bank. The funds are currently being held by the Bank and have not yet been deposited into the Company account at the Bank.

18. I confirmed with the Company's chief financial officer and with the Executive that the Company did not authorize or direct anyone to deposit the \$3,078,686.94 check into an account in the Company's name at the Bank.

19. After JOHN DOE deposited the check, Bank personnel informed him that under Bank policy, there would be a ten-day hold on the account and that JOHN DOE could access the funds after about May 8, 2024.

20. According to Bank electronic records of online or mobile access to the Company's account, a person has accessed or attempted to access the Bank's online account information for the account on or about April 25, April 26, April 27, April 29, April 30, and May 1, 2024.

21. Based on the information provided above, there is probable cause to believe that from on or about April 24, 2024 continuing to at least May 1, 2024, JOHN DOE has knowingly executed, or attempted to execute, a scheme or artifice to defraud the Bank, a financial institution with deposits insured by the FDIC, by opening a fraudulent account using a stolen identity and depositing a fraudulently obtained check into the account, all with the purpose of obtaining \$3,078,686.84, in violation of 18 U.S.C. § 1344.

Sworn to under the pains and penalties of perjury,

Respectfully submitted,

Daniel J. McNichol /by Paul G. Levenson  
Daniel J. McNichol  
Special Agent  
Internal Revenue Service  
Criminal Investigations

Subscribed and sworn to before me telephonically pursuant to Rule 4.1(a) on May 3, 2024.



Hon. Paul G. Levenson  
United States Magistrate Judge

